

HOUSE BILL NO. 608

INTRODUCED BY WINDY BOY, BALLANTYNE, BERGREN, BIXBY, CALLAHAN, P. CLARK, CYR, DICKENSON, DOWELL, FRANKLIN, HANSEN, JACOBSON, JAYNE, JENT, JUNEAU, LAMBERT, MUSGROVE, NEWMAN, PEASE, RASER, ROUSH, SMALL-EASTMAN, SMITH, WEISS, FORRESTER, WANZENRIED

A BILL FOR AN ACT ENTITLED: "AN ACT RELATING TO THE GOVERNMENT-TO-GOVERNMENT RELATIONSHIP BETWEEN THE MONTANA INDIAN TRIBES AND THE STATE OF MONTANA; ~~REQUIRING PROVIDING FOR TRIBAL CONSULTATION IN THE DEVELOPMENT OF STATE AGENCY POLICIES THAT DIRECTLY AFFECT INDIAN TRIBES; REQUIRING AUTHORIZING CERTAIN STATE EMPLOYEES TO RECEIVE ANNUAL TRAINING AND FIELD EXPERIENCE ON A RESERVATION; REQUIRING PROVIDING FOR QUARTERLY ANNUAL MEETINGS BETWEEN STATE AND TRIBAL OFFICIALS; AND REQUIRING AN ANNUAL REPORT BY A STATE AGENCY.~~"

WHEREAS, THE LEGISLATURE RECOGNIZES THE RIGHT OF TRIBES TO SELF-GOVERNMENT; AND WHEREAS, THE LEGISLATURE SUPPORTS TRIBAL SOVEREIGNTY AND SELF-DETERMINATION; AND WHEREAS, THE LEGISLATURE RECOGNIZES THE FUNDAMENTAL PRINCIPLE AND INTEGRITY OF THE GOVERNMENT-TO-GOVERNMENT RELATIONSHIP BETWEEN THE STATE OF MONTANA AND THE INDIAN NATIONS OF MONTANA; AND

WHEREAS, THE LEGISLATURE SUPPORTS STRENGTHENING COMMUNICATIONS AND BUILDING COLLABORATIVE RELATIONSHIPS THAT WILL BENEFIT BOTH THE INDIAN NATIONS AND THE STATE OF MONTANA.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

~~NEW SECTION. Section 1. Short title -- intent. (1) [Sections 1 through 5] may be cited as the "Tribal State Government-to-Government Relationship Act".~~

~~(2) It is the intent of the legislature that [sections 1 through 5] be used to:~~

~~(a) recognize the right of tribes to self-government;~~

~~(b) support tribal sovereignty and self-determination;~~

~~(c) recognize the fundamental principle and integrity of the government-to-government relationship~~



1 ~~between the state of Montana and the Indian nations of Montana; and~~
 2 ~~—— (d) strengthen communications and build collaborative relationships that will benefit both the Indian~~
 3 ~~nations and the state of Montana.~~

4
 5 **NEW SECTION. Section 1. Definitions.** As used in [sections 1 through 5 3], the following definitions
 6 apply:

- 7 (1) "State agency" means a department, board, or commission of the executive branch of state
 8 government.
- 9 (2) "Tribal government" means the officially recognized government of any tribe or nation.
- 10 (3) "Tribal officials" means the elected or appointed officials of a tribal government.
- 11 (4) "Tribe" means an Indian tribe that is recognized by federal law or formally acknowledged by the
 12 state.

13
 14 **NEW SECTION. Section 2. Guiding principles.** In formulating or implementing policies or
 15 administrative rules that have DIRECT tribal implications, a state agency ~~must be guided by~~ SHOULD CONSIDER the
 16 following principles:

- 17 (1) a commitment to cooperation and collaboration;
- 18 (2) mutual understanding and respect;
- 19 (3) regular and early communication;
- 20 (4) a process ~~and~~ OF accountability for addressing issues; and
- 21 (5) preservation of the tribal-state relationship.

22
 23 ~~—— NEW SECTION. Section 4. Responsibilities of state agency. A state agency shall respect Indian~~
 24 ~~tribal self-government and sovereignty and honor tribal treaty and other rights.~~

25
 26 **NEW SECTION. Section 3. Training and consultation.** (1) At least once a year, the department of
 27 justice and a trainer selected by the tribal governments shall provide training ~~and field experience on a~~
 28 ~~reservation~~ IN HELENA OR A SITE MUTUALLY AGREED UPON to state agency managers and KEY employees who have
 29 regular communication with tribes on the legal status of tribes, the legal rights of tribal members, and social,
 30 economic, and cultural issues of concern to tribes.

1 (2) ~~Quarterly~~ AT LEAST ANNUALLY, the governor ~~shall~~ MAY convene IN HELENA a full-day, working meeting
 2 at which the governor, representatives of state agencies, and tribal officials, INCLUDING CHIEFS AND TRIBAL
 3 PRESIDING OFFICERS, shall:

4 (a) review the policies that DIRECTLY impact tribal government and tribal populations that are proposed
 5 for adoption by the state agencies and recommend changes to the policies; and

6 (b) discuss issues of concern to the state and the tribes and formulate solutions.

7 (3) By December 15 of each year, a state agency shall submit a report to the governor and to each tribal
 8 government on the activities of the state agency relating to tribal government and tribal populations. The report
 9 must include:

10 (a) any policy that the state agency adopted under subsection (2)(a);

11 (b) the name of the individual within the state agency who is responsible for implementing the policy;

12 (c) the process that the state agency has established to identify the programs of the state agency that
 13 affect tribes;

14 (d) the efforts of the state agency to promote communication and the government-to-government
 15 relationship between the state agency and the tribes;

16 (e) the efforts of the state agency to ensure tribal consultation and the use of American Indian data in
 17 the development and implementation of agency programs that DIRECTLY affect tribes; and

18 (f) a joint description by tribal program staff and state staff of the training required under subsection (1).

19

20 NEW SECTION. Section 4. Codification instruction. [Sections 1 through 5 3] are intended to be
 21 codified as an integral part of Title 2, chapter 15, and the provisions of Title 2, chapter 15, apply to [sections 1
 22 through 5 3].

23

24 NEW SECTION. Section 5. Notification to tribal governments. The secretary of state shall send a
 25 copy of [this act] to each tribal government located on the seven Montana reservations and to the Little Shell
 26 band of Chippewa.

27

- END -